

**REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated May 1, 2008 has been received and its contents carefully reviewed.

The specification has been amended to address minor informalities raised by the Office. The directions for all amendments are made with respect to the published patent application, US Patent Application Publication US 2007/0150616 A1, published June 28, 2007. Claims 18 and 22 are amended to correct an inadvertent error in antecedent basis and to clarify the subject matter of the claim, respectively. The scope and subject matter of the amended claims is unchanged. No new matter is added. Claims 5, 12, 16, 17, 19, 20, 24, 25 and 29-31 are hereby canceled without prejudice or disclaimer. Accordingly, claims 1-4, 6-11, 13-15, 18, 21-23 and 26-28 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

**The Office objects to the specification because the content and form is not in conformance with MPEP requirements.** *Office Action* at ¶ 2. Applicants do not necessarily agree that the headings of the specification must read word-for-word with the headings set forth in the MPEP, however, for the sake of advancement of the application to allowance, Applicants have amended the headings of the specification in accordance with the Office's requirements. Accordingly, Applicants respectfully request the Office to withdraw the objection.

**The Office rejects Claims 9 and 12 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement.** *Office Action* at ¶ 5. In particular, the Office states that the specification does not make it clear what a "duplicate reception flag" in claim 9 and an "intrinsic number" in claim 12 are. *Id.* Claim 12 is canceled herein. Accordingly, the rejection of that claim is moot. Applicant respectfully traverses the rejection of claim 9 and requests reconsideration.

"An adequate written description of the invention may be shown by any description of sufficient, relevant, identifying characteristics so long as a person skilled in the art would recognize that the inventor had possession of the claimed invention." MPEP § 2163(ii)(A)(3)(a). "[T]he fundamental factual inquiry is whether the specification conveys with reasonable clarity

to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed.” *MPEP* at § 2163.02.

Concerning the first phrase, as described in the detailed description, a “duplicate reception flag” is included in an “auxiliary factor.” *Specification* at ¶ 0156. As stated, an auxiliary factor is included, for example, in a message. *See, e.g., Specification* at ¶ 0154. The auxiliary factor may be varied according to the transmission direction and the contents of, for example, the “first type of message.” *See, e.g., id.* For example, when the first type of message includes a control command from the transmission handling module to the service management module, the auxiliary factor includes, among other things, a “duplicate reception flag.” *Id.* at ¶ 0156.

Applicants respectfully submit that at least the above-recited sections of the specification convey with reasonable clarity to those skilled in the art that, as of the filing date of the application, the Applicants were in possession of the invention as now claimed. Accordingly, Applicants respectfully request the Office to withdraw the 35 U.S.C. § 112, first paragraph rejection of claims 9 and 12.

**The Office rejects claim 9, 12, and 22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.** *Office Action* at ¶ 6. In particular, the Office states that the claim language does not sufficient make clear what is a “duplicate reception flag,” in claim 9, an “intrinsic number” in claim 12, and does not make clear “the activities claimed regarding receiving a plurality of first type of messages and the steps which follow.” *Id.* Claim 12 is canceled herein. Accordingly, the rejection of that claim is moot. Applicant respectfully traverses the rejection of claims 9 and 22 and requests reconsideration.

The words of a claim are to be given their plain and ordinary meaning. The claim terms “duplicate reception flag” and “intrinsic number” are understandable without any need for further description. “In the absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art.” *MPEP* at § 2111.01(III) citing *Brookhill-Wilk 1, LLC v Intuitive Surgical, Inc.*, 334 F. 3d 1294, 1298 (Fed. Cir. 2003). Accordingly, Applicants

respectfully request the Office to withdraw the 35 U.S.C. § 112, second paragraph rejection of claim 9.

Concerning claim 22, to Applicant's best understanding, the Office's rejection relates to an issue of clarity of the claim language. While not necessarily agreeing with the Office, Applicants have amended claim 22 to improve the clarity of the claim. The scope and subject matter of the claim are unchanged from its previous version. Accordingly, Applicants respectfully request the Office to withdraw the 35 U.S.C. § 112, second paragraph rejection of claim 22.

**Claims 1-7, 11-18, 22, and 26-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0054747 to *Breh et al.* (hereinafter "*Breh*").** *Office Action* at ¶ 8. Claims 5, 12, 16, 17 and 29-31 are canceled herein. Accordingly, the rejection of those claims is moot. Applicants respectfully traverse the rejection of claims 2-4, 6, 7, 11, 13, 14, 15, 18, 22 and 26-28 and request reconsideration.

*Breh* fails to describe, either expressly or inherently, at least:

- a channel handling module for transmitting/receiving a first type of packet between the home master device and the home appliance;

- a transmission handling module for performing conversion between the first type of packet from the channel handling module and a first type of message from a service management module, and transmitting the converted packet and message;

- the service management module for performing conversion between the first type of message from the transmission handling module and a second type of message from a connection handling module, and transmitting the converted messages; and

- the connection handling module for performing conversion between a second type of extension message from the client device and the second type of message from the service management module.

as recited in independent claim 1.

*Breh* relates to a pervasive home network appliance. "The appliance 206 comprises ... three control adapters 230, 231 and 232, three device adapters 240, 241 and 242, a routing engine 250 and configuration data storage 260. ... The control adapters 230, 231, 232 are configured to perform the translation of a particular communication format being established between one of the control devices 220, 221, 222 and the respective control adapter 230, 231, 232." *Breh* at

¶ 0061. “[T]he device adapters 240, 241, 242 are responsible for translating a communication format being understood by the respective device 208, 209, 210 into a common message format.” *Id.* at ¶ 0062.

The Office relies entirely on the abstract and paragraphs 0061 and 0062 of *Breh* in support of its assertion of anticipation. *Office Action* at ¶ 8, pp. 6-7. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (quoting *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). Even if, for the sake of argument, *Breh* did broadly “disclose a platform for converting messages between formats understood by clients, the server and the controlled appliances,” as asserted by the Office, *Breh* is entirely silent as to the details of the claimed “modules” as recited in independent claim 1. At best, *Breh* simply states that “the control adapter checks the device command and translates it into a message format the routing engine is able to interpret ...” *Breh* at ¶¶ 0071, 0079. Or, “the device adapter translates the message into a format that can be processed by the device ....” *Id.* at ¶ 0073. Accordingly, *Breh* fails to anticipate, by express disclosure, at least the above-recited elements of independent claim 1. In other words, the descriptive matter recited in claim 1 is not present in *Breh*.

Additionally, *Breh* fails to anticipate, by inherent disclosure, at least the above-recited elements of independent claim 1. To establish inherency, the extrinsic evidence “must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.” MPEP §2112 IV. Applicants respectfully assert that *Breh*, by its abstract and paragraphs 0061 and 0062 taken together, or by its entire disclosure, would not lead anyone to believe that the above-recited elements of claim 1 are necessarily present. Therefore, Applicants respectfully state that without a showing by the Office that the system of *Breh* would necessarily be comprised of the above recited elements of independent claim 1, any reliance on inherency, by the Office, would be improper. Accordingly, claim 1 is patentably distinguishable over *Breh* and Applicants respectfully request the Office to withdraw the 35 U.S.C. § 102(e) rejection of claim 1. Claims 2-4, 6, 7, 11, 13, 14, 15, 18, 22 and 26-28 depend variously from claim 1. It stands to reason that the rejection of those claims should also be withdrawn.

**Claims 8 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Breh* in view of U.S. Patent No. 5,946,467 to *Pathakis et al.* (hereinafter “*Pathakis*”). *Office Action* at ¶ 10.**

For at least the same reasons as stated above, *Breh* fails to teach or suggest each and every element of independent claim 1, from which claims 8 and 21 depend. *Pathakis* fails to cure the deficiencies of *Breh*. In fact, *Pathakis* was cited only for a purported teaching of “the system’s auxiliary factor including ‘a reception error code.’” *Office Action* at ¶ 10, p. 13. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 8 and 21.

**Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Breh* in view of *Pathakis* and further in view of U.S. Patent No. 7,174,386 to *Cunningham et al.* (hereinafter “*Cunningham*”). *Office Action* at ¶ 11, p. 14.**

For at least the same reasons as stated above, *Breh* in view of *Pathakis*, fails to teach or suggest each and every element of independent claim 1, from which claims 9 and 10 depend. *Cunningham* fails to cure the deficiencies of *Breh* and *Pathakis*. In fact, *Cunningham* was cited only for a purported teaching of “a duplicate reception flag.” *Office Action* at ¶ 11, p. 15. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 9 and 10.

**Claims 19 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Breh* in view of U.S. Patent Application Publication No. 2002/0152315 to *Kagan et al.* (hereinafter “*Kagan*”). *Office Action* at ¶ 12. Claims 19 and 20 are canceled herein.** Accordingly, the rejection of those claims is moot.

**Claims 23-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Breh* in view of U.S. Patent No. 5,889,952 to *Hunnicut* et al. (hereinafter “*Hunnicut*”). *Office Action* at ¶ 13. Claims 24 and 25 are canceled herein. Accordingly, the rejection of those claims is moot.**

For at least the same reasons as stated above, *Breh* fails to teach or suggest each and every element of independent claim 1, from which claim 23 depends. *Hunnicut* fails to cure the deficiencies of *Breh*. In fact, *Hunnicut* was cited only for a purported teaching of “a networking

system that teaches permission based access to network resources.” *Office Action* at ¶ 13, p.17. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 23.

### CONCLUSION

The application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

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